

Martin Place Station Precinct North Stage 2 - Modification 2

Design changes – Level 10 eastern facade setback and Level 3-4 floor levels
State Significant Development Modification Assessment (SSD 9270 MOD 2)

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Glossary

Abbreviation	Definition
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent SSD 9270 for Martin Place Station Precinct North Site Stage 2 (SSD-9270-Mod-2).

The modification application seeks to make minor design changes to the Level 10 eastern facade setback and Levels 3 and 4 floor and spandrel heights of the approved building.

The application has been lodged by Macquarie Corporate Holdings Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Martin Place Station Precinct is located in the central business district of the City of Sydney Local Government Area (LGA), between Castlereagh and Elizabeth Streets. The over-station development site (the site) is located to the north of Martin Place, above the northern entrance to the new metro station (as shown in **Figure 1**) and comprises the following properties:

- 50 Martin Place,
- 9-19 Elizabeth Street,
- 8-12 Castlereagh Street,
- 5 Elizabeth Street,
- 7 Elizabeth Street and
- 55 Hunter Street.

Demolition and construction activities for the Metro station has commenced on the site in accordance with the Critical State Significant Infrastructure approval for Sydney Metro City and Southwest (CSSI 7400).

The site includes 50 Martin Place, which contains a 10-storey State heritage-listed commercial building that will be retained as part of the development.

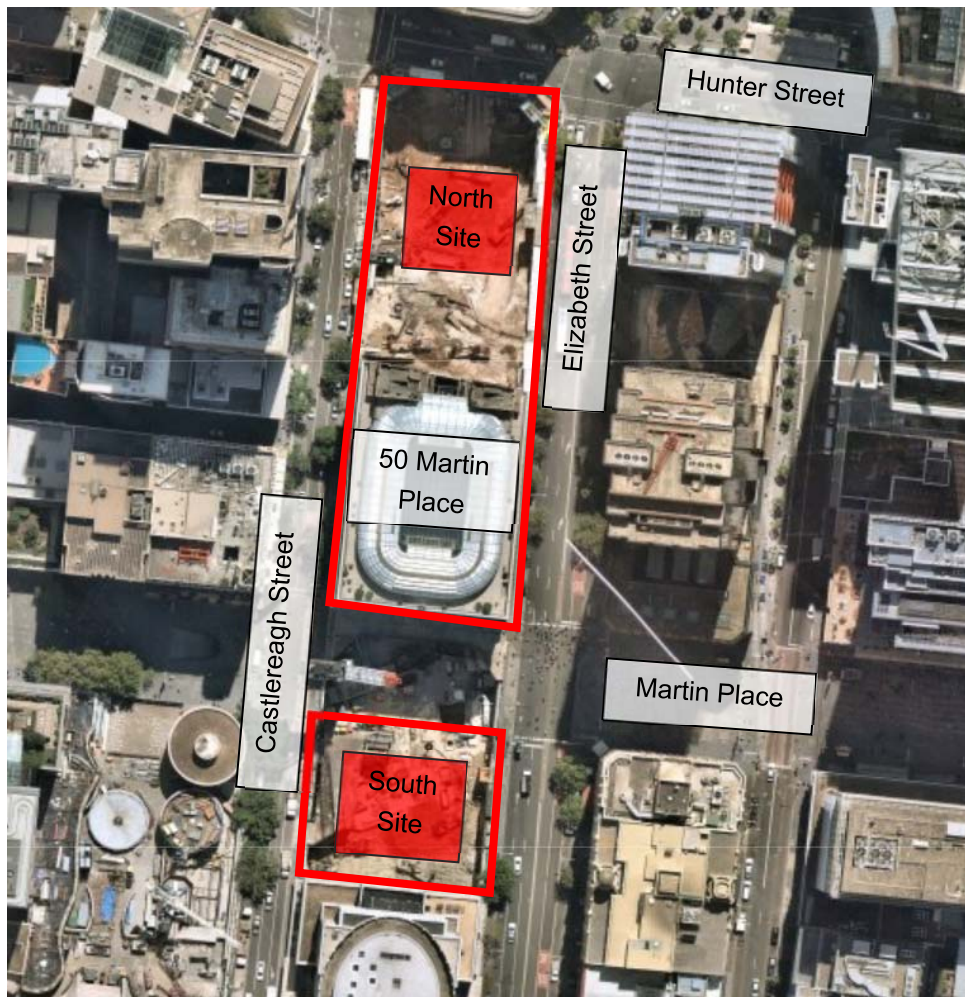


Figure 1 | Local context map (Source: Nearmap with annotations added)

1.2 Approval history

On 13 August 2019, development consent was granted by the Minister for Planning and Public Spaces for the Stage 2 development of the Martin Place Station Precinct North site (SSD 9270). The consent permits the following works:

- construction and use of a 39-storey commercial tower above the northern entrance of the new Martin Place Metro Station; comprising 75,521m² gross floor area (GFA), including 1,017m² for retail use and 74,504m² for office use
- works to integrate with the Station design, including over station development areas within the station building for plant, services, end of trip facilities, retail and office spaces.

On 28 September 2020, the Applicant lodged a Section 4.55(1A) modification (SSD 9270 – MOD 1) seeking to extend construction hours for the Over Station Development and align with the construction hours of the Martin Place Metro station.

This modification represents the second modification to the consent (SSD 9270).

2 Proposed modification

The Applicant's modification application seeks to modify the approved architectural plans in the following areas:

1. Increase of the spandrel height on Levels 3 and 4 by 100mm along the eastern, northern and western facades of the building.
2. Setback the eastern façade on Level 10, increasing the depth of the outdoor terrace area on this level.

3 Statutory context

3.1 Scope of modifications

Section 4.55(1A) of the Environmental Planning and Assessment Act (EP&A Act) outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(1A) of the EP&A Act that apply have been considered in **Table 1**.

Table 1 | Assessment against Section 4.55 of the EP&A Act

Section 4.55 (1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	The Department is satisfied that the proposed modification will have minimal environmental impacts. The proposed deeper Level 10 terrace will not result in any impacts and is a positive change to the proposal. The changes to Levels 3 and 4 of the facades are indiscernible changes. Section 5 of this report provides an assessment of the impacts arising with the modification application.
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The Department is satisfied the modification application is substantially the same development as the proposed modifications. The modifications proposed do not alter key aspects or elements of the original development as approved.
c) the application has been notified in accordance with the regulations, and	The Department notified Council on this application. The application was also made publicly available on the Departments website.
d) any submission made concerning the proposed modification has been considered.	The Department received a response from the City of Sydney Council. No comments were provided in relation to the changes proposed under this application.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under Section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made
- less than 10 submissions in the nature of an objection have been received.

3.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 9326. The Department considers that this modification application does not result in significant changes that would alter the mandatory matters for consideration under Section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

Table 2 identifies the matters for consideration that apply to the proposed modification.

Table 2 | Section 4.15 Evaluation

Section 4.15 (1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The modified proposal is consistent with the relevant legislation, the Sydney Local Environmental Plan 2012.
(a)(ii) any proposed instrument	The draft Central Sydney Planning Strategy applies to the site. However, there is no specific provision under the strategy that applies to the modification.
(a)(iii) any development control plan	Under clause of the SRD SEPP, Development Control Plans do not apply to SSD. There is no specific provision under the SDCP that applies to the modification.
a)(iv) any planning agreement	Not applicable
(a)(iv) the regulations	The application meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the development are acceptable and have been appropriately addressed (refer to Section 5 of this report).
c) the suitability of the site for the development	The site remains suitable for the development as assessed in the original application.

(d) any submissions	No submissions were received for this proposal
(e) the public interest	The Department considers the modified proposal to be in the public interest as the changes are minor and will enable the delivery of the Martin Place North Over Station Development.

3.4 Objects of the Act

The Minister or delegate must consider the objects of the EP&A Act (the Act) when making decisions under the Act. The Department is satisfied the proposed modifications are consistent with the objects of the Act.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to Section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, due to the minor nature of the proposed modifications, the application was not publicly exhibited.

The modification application was made publicly available on the Department's website. The Department received no submission from the public.

The modification application was also referred to Council and the Heritage Branch of NSW Department of Premier and Cabinet (Heritage Branch) for comments. Both Council and the Heritage Branch advised they had no comments.

5 Assessment

The modification application seeks approval for increasing the eastern facade setback / terrace on Level 10 from 1.84 metres to 3.79 metres (**Figure 2**) and increase the height of the external spandrel panels on Levels 3 and 4. The recessed aluminium facade panel is proposed to be adjusted by 100mm to align with the raised floor level (**Figure 3**).

The Applicant notes that the proposed amendments are the result of ongoing design development seeking to facilitate an enlarged terrace space on Level 10 and allowing for greater services zone on Levels 3 and 4.

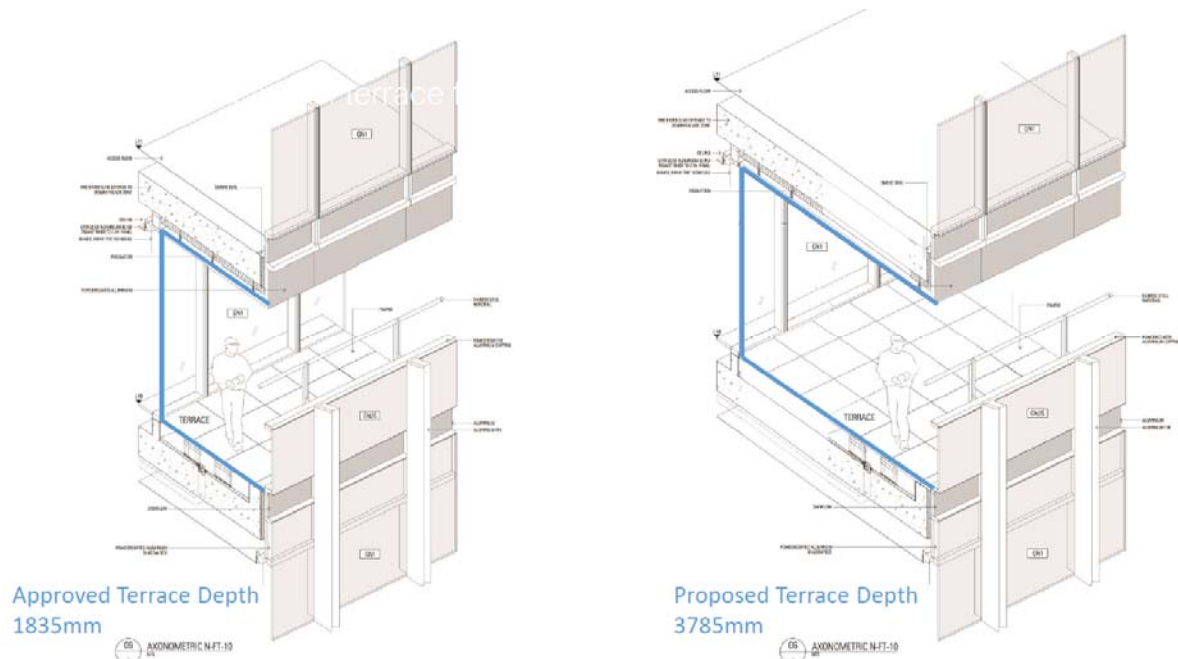


Figure 2 | Setback increase proposed for the eastern tower façade on Level 10

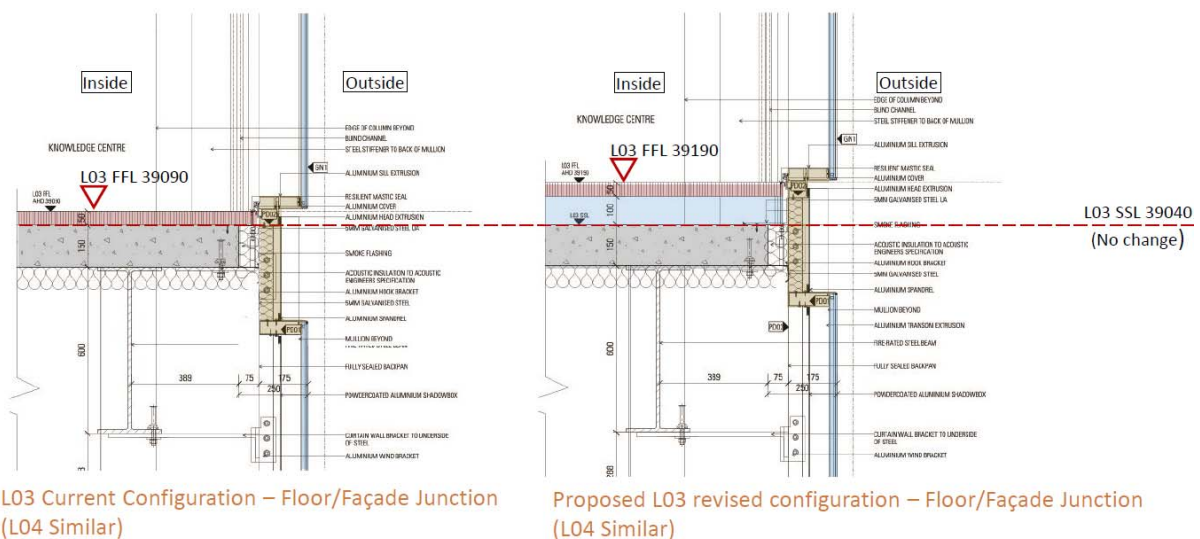


Figure 3 | Proposed increase in spandrel height on Levels 3 and 4

The Department consulted with Council and the Heritage Branch. Both Council and the Heritage Branch raised no objection in relation to the proposed modifications.

Condition B6 of the consent requires the development to retain the approved design excellence qualities and seek review of design modifications, where required, by the Martin Place Over Station Development Design Review Panel (DRP). The proposed design changes were presented to the DRP on 5 May 2020.

The Department notes the DRP endorsed the proposed changes, because:

- a) the increased Level 10 setback is consistent with the original design intent, and materials and detailing and will have a positive impact to the approved project
- b) the increased floor heights will have no discernible impact to the approved project.

The Department supports the proposed changes to Level 10 which reinforce the podium's relationship with the heritage item, 50 Martin Place and the consistent podium height along Elizabeth Street (**Figure 4**).

The Department considers the proposed changes are consistent with the Concept Approval's *Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines*, which requires the building to recognise the aligned height between 50 Martin Place and the former Qantas House to reinforce the distinctive characteristics of this block within the City of Sydney.



Figure 4 | **Left:** Photomontage of 50 Martin Place with the height datum of its parapet. The proposed podium as defined by the southern terrace also matches the height of the proposed South Site podium (Source: Applicant's RtS for SSD 9270 with annotation added) **Right:** View of site from north east, identifying Levels 3 and 4, noting the 100m difference in glazing height is not noticeable (Source: Applicant's Modification Report with annotation added)



Figure 5 | Left: Approved north tower **Centre:** Proposed North Tower **Right:** View of site from north east, illustrating consistent podium height along Elizabeth Street frontage (Source: Applicant's Modification Report with annotation added)

The Department also supports the proposed changes to Level 3 and 4 floor's spandrel heights as they have no noticeable impact on the appearance of the development, given the minor nature of the change in height (100mm) (**Figure 5**).

The Department therefore concludes the proposed modifications are acceptable because:

- the proposed changes to built form will not result in notable change on the external appearance of the building or adverse heritage impacts
- the DRP supported the proposed changes and accepts the building as modified will continue to maintain design excellence
- they are consistent with the Concept Approval and the approved Design Guidelines, including articulation of the podium height complementary to 50 Martin Place and consistent with the street wall height along Elizabeth Street.

6 Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modifications are appropriate as:

- the proposal is substantially the same development as originally approved development and consistent with the Concept Approval
- the proposed changes will have no discernible change from the approved design when viewed from the public domain or adverse external impacts
- the proposed changes will reinforce the established street wall height of Elizabeth Street and the neighbouring heritage listed 50 Martin Place
- It complies with the relevant statutory provisions and remains consistent with relevant EPIs
- no objections to the proposed modifications have been raised by Council or the Heritage Branch.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to the recommended changes to existing conditions of consent as outlined in

Appendix B.

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 9270 MOD 2 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD 9270
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Joina Mathew
Planning Officer
Key Sites Assessments

Recommended by:



Annie Leung
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:

 1/12/2020

Anthony Witherdin

Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Modification Request

<https://www.planningportal.nsw.gov.au/major-projects/project/27241>

Appendix B – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/27241>